

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

JACKSON LEWIS LLP
ATTORNEYS FOR DEFENDANT
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PAUL J. SIEGEL, ESQ. (PS2245)
MARC S. WENGER, ESQ. (MW8910)

4/31/08

VIA ECF

DARREN KRAEUTER,

Plaintiff,

Civil No.: CV 07 3571

-against-

Bianco, J.
Wall, M.J.

DAVID LERNER ASSOCIATES, INC.,

Defendant.

STIPULATION AND ORDER FOR DISMISSAL

Plaintiff, DARREN KRAEUTER and Defendant, sued herein as DAVID LERNER ASSOCIATES, INC., by and through their undersigned attorneys, hereby state and represent as follows:

1. Darren Kraeuter commenced this lawsuit seeking to recover overtime wages allegedly due under federal and New Jersey law and other relief;
2. Plaintiff's claims included, but were not limited to, a claim under the Fair Labor Standards Act;
3. Defendant denies Plaintiff's allegations and contends, inter alia, that (a) Plaintiff was an exempt worker who was not entitled to recover minimum wages, overtime wages or other compensation or payments; and, (b) Plaintiff was not similarly situated to any other individuals for purposes of maintaining a collective action under 29 U.S.C. § 216(b);

4. Defendant contends that Plaintiff's claims under New Jersey and federal law are time-barred;

5. Defendant has indicated that it will move to dismiss this Lawsuit, asserting that it is time-barred;

6. Settlement negotiations were held between counsel for Plaintiff and counsel for Defendant; and,

7. This matter has been resolved by a Negotiated Settlement Agreement, the terms of which are confidential, which will provide a settlement payment to Plaintiff.

Based upon the foregoing, the parties have agreed that this lawsuit should be dismissed with prejudice inasmuch as Plaintiff hereby settles, waives and releases any and all claims against Defendant.

LOCKS LAW FIRM, PLLC
Attorneys for Plaintiff
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By: F. Rudich
FRAN L. RUDICH, ESQ. (FR 7577)
SETH L. RUDICH (SL 5700)

Dated: 4/15/08

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Attorneys for Defendant
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By: Marc S. Wenger
MARC S. WENGER, ESQ. (MWB 610)

Dated: 4/15/08

WHEREFORE, the Court having duly supervised this action and the dismissal thereof, hereby enters this Order of Dismissal with Prejudice.

SO ORDERED ON THIS _____ DAY OF _____, 2008

U.S.D.J.

*The Clerk of the Court shall
close the case.*

SO ORDERED

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Date: April 21 2008
Central Islip, N.Y.